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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,958	08/23/2001	Jeffrey B. Williams	LUMIPO128US	1990

7590

10/24/2002

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EXAMINER

CHOI, JACOB Y

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,958

Applicant(s)

WILLIAMS ET AL.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

2. The information disclosure statement filed 12/14/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed 12/14/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (USPN 6,129,662).

Regarding claim 1, Li et al. discloses an optic light guide (10) for receiving light from a light source (18) and propagating light therethrough via internal reflection, the light guide having a free end (34) that emits directional light, and a sleeve surrounding the free end (Figure 1), the sleeve having an aperture spaced from the free end through which a beam of light passes (36).

Regarding claim 2, Li et al. discloses the sleeve is movable (Figure 1) in and out relative to the free end to vary the distance (greater than about 0.001 inch and less than about 0.1 inch, column 3, 35-45) between the aperture and the free end to vary the size of the beam of light passing through the aperture (it is inherent that by varying the distance of the free end from the aperture would vary the light intensity).

Regarding claim 3, Li et al. discloses a lens covering the aperture to focus the beam of light passing through the aperture (column 3, lines 20-35).

Regarding claim 4, Li et al. discloses the light guide is flexible.

Regarding claim 5, Li et al. discloses a protective cover surrounding the light guide (17, 42), the sleeve surrounding the protective cover (42).

Regarding claim 6, Li et al. discloses an air interface between the protective cover and the light guide (Figure 1).

Regarding claim 7, Li et al. discloses the protective cover has a closed end that covers the free end of the light guide (column 3, lines 20-35). .

Regarding claim 8, Li et al. discloses a connecting member (49, 26, 28) attached to another end of the light guide remote from the free end, the protective cover being sealed against the connecting member.

Regarding claim 9, Li et al. discloses a support member (19, 20') for supporting the light guide.

Regarding claim 10, Li et al. discloses a connecting member (49) attached to other end of the light guide remote from the free end, the support member being integral with the connecting member.

Regarding claim 11, Li et al. discloses the support member is shaped to fit a particular application.

Regarding claim 12, Li et al. discloses the support member is used to attach the light device to a patient.

Regarding claim 13, Li et al. discloses the support member is used to attach the lighting device to a surgical instrument.

Regarding claim 14, Li et al. discloses the light device is a surgical lighting device.

Regarding claim 15, Li et al. discloses the light guide is flexible, and a malleable member extends along a portion of the light guide, the malleable member being

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bendable to hold the shape of the portion of the light guide once arranged in a desired position.

Regarding claim 16, Li et al. discloses a light distributor for receiving light from a light source and propagating light therethrough via internal reflection, a light emitter for receiving light propagated by the light distributor and emitting directional light from a free end of the light emitter, and a sleeve surrounding the free end of the light emitter, the sleeve having an aperture spaced from the free end through which the directional light from the free end is beamed.

Regarding claim 17, Li et al. discloses the sleeve is movable in and out relative to the free end of the light emitter to vary the size of beam of light passing through the aperture.

Regarding claim 18, Li et al. discloses a lens covering the aperture to focus the beam of light passing through the aperture (inherent properties of the lens, column 3, lines 20-35).

Regarding claim 19, Li et al. discloses the light emitter also emits diffuse light along a portion of the length of the light emitter.

Regarding claim 20, Li et al. discloses a protective cover surrounding the light emitter, the protective cover having a closed end covering the free end of the light emitter, and the sleeve surrounding the closed end of the protective cover.

Regarding claim 21, Li et al. discloses an air interface between the protective cover and the light emitter (Figure 1).

Regarding claim 22, Li et al. discloses a connecting member attached to an end of the light distributor remote from the light emitter, the protective cover being sealed against the connecting member.

Regarding claim 23, Li et al. discloses the light emitter and the protective cover are flexible (surgical tool (20') such as, suction or suction-irrigation cannula, retractor, electrocautery device, and the like are flexible).

Regarding claim 24, Li et al. discloses the protective cover is made of a translucent or transparent material.

Regarding claim 25, Li et al. discloses a support member for supporting the lighting device.

Regarding claim 26, Li et al. discloses the support member is shaped to fit a particular application.

Regarding claim 27, Li et al. discloses the support member is attached to an associated device.

Regarding claim 28, Li et al. discloses the associated device comprises a surgical instrument.

Regarding claim 29, Li et al. discloses the light emitter is flexible, and a malleable member extends along the light emitter, the malleable member being bendable to hold the shape of the light emitter once arranged in a desired position.

Regarding claim 30, Li et al. discloses a flexible protective cover surrounding the light emitter.

Regarding claim 31, the malleable member is disposed within the protective cover, and the sleeve surrounds the protective cover.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Northington et al. (USPN 6,464,383) – fiber optic ceiling supported surgical task light system with optical commutator and manual zoom lens

Schermerhorn (USPN 5,605,532) – fog-free endoscope

Li et al. (USPN 5,430,620) – compact surgical illumination system capable of dynamically adjusting the resulting field of illumination

Van Der Bel (USPN 6,120,161) – video headlight and cable

Nishigaki (USPN 5,051,824) – electronic scope having detachable frame to which solid-state imaging device is fastened

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
October 20, 2002


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800